

09/835,518
DOCKET NO. WN-2323

9

REMARKS

Claims 11-25 and 27-29 are all the claims presently pending in the application.

Claims 1-10, 26, and 30-33 are canceled. Claims 11, 16, and 19 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Applicant gratefully acknowledges the Examiner's indication that claims 11-25 and 27-29 are allowed. While Applicant completely disagrees with the Examiner's rejections and indeed affirmatively states that all claims are patentable, to speed prosecution, this Amendment cancels claims 1-10, 26, and 30-33, thereby placing the present application into condition for allowance.

I. THE INFORMATION DISCLOSURE STATEMENT

The Examiner continues to fail to indicate consideration of the foreign language references which were submitted in an Information Disclosure Statement that was filed on March 10, 2003. The Applicant has repeatedly requested that the Examiner indicate consideration of these references, yet the Examiner continues to ignore these requests and further fails to provide any reason as to why the Examiner has failed to indicated consideration of the foreign language references.

In particular, the Examiner fails to indicate consideration of foreign language references Japan 48-11904 dated 2/15/1973, Japan 4-502990 dated 5/28/1992, and Japan 5-

09/835,518
DOCKET NO. WN-2323

10

501942.

Applicant respectfully directs the Examiner's attention to 37 C.F.R. § 1.98(3) which merely requires a concise explanation of the relevance of each publication that is not in the English language. Specifically, M.P.E.P. § 609A(3) states:

"Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevancy can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office." (Emphasis added).

The Information Disclosure Statement that was filed on March 10, 2003 clearly pointed out that the information listed was cited in an action by a foreign patent office in a counterpart foreign application and included an English-language version of the action, which provides a concise explanation of the relevance as found by the foreign office.

In the February 10, 2006, Office Action, the Examiner requests that we re-submit the form PTO-1449 for the above-identified Information Disclosure Statements. Applicant encloses copies of the above-identified Information Disclosure Statements including the forms PTO-1449 which accompanied them.

Therefore, Applicant respectfully requests that the Examiner indicate consideration of all references that were submitted in the Information Disclosure Statement that was filed on March 10, 2003.

09/835,518
DOCKET NO. WN-2323

11

II. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 11-25 and 27-29, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 7/21/06

J. E. Howard
James E. Howard
Registration No. 39,715

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254